

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

JOHN NOAKES

Plaintiff,

v.

THE UNIVERSITY OF CINCINNATI, ET  
AL.

Defendants.

Case No. 1:23-cv-00284-MRB

Judge BARRETT

AFFIDAVIT OF SCOTT O'REILLY  
IN SUPPORT OF MOTION FOR  
RECONSIDERATION OF ORDER  
DENYING MOTION FOR  
PRELIMINARY INJUNCTION  
BASED ON MATERIAL  
MISREPRESENTATIONS

Scott O'Reilly, being duly sworn on oath, does depose and state as follows:

1. I am a member in good standing of the Ohio Bar. I am Of Counsel to Engel & Martin, LLC where I have represented both students accused of sexual misconduct and victims in school disciplinary proceedings. I am also an adjunct faculty member of the University of Cincinnati.
2. I have significant experience advising students accused of sexual misconduct in school disciplinary proceedings, including at the University of Cincinnati.
3. I am counsel for the Plaintiffs in *Roe et al v. University Of Cincinnati*, S.D. Ohio 1:22-cv-00376-JPH-KLL. In that case, plaintiffs, ballet students at the University of Cincinnati College Conservatory of Music, were sexually assaulted by a fellow student during classes/rehearsals. The Amended Complaint in that case alleges that UC was aware of the risk this would occur but initially did nothing, then conducted a sham investigation and flawed hearing that, predictably, exonerated a star dancer.

4. In *Roe*, discovery has revealed that UC provided a copy of the written statement from the complainant that was included in the Formal Complaint to the student accused of sexual misconduct before he was interviewed.
- a. On October 21, 2021, one of the plaintiffs in *Roe* submitted a formal complaint.
  - b. On October 25, 2021, the respondent in that matter was provided notice of the initiation of the investigation.
  - c. On November 5, 2021, the investigator emailed the respondent a copy of the complainant's written statement that she submitted for the investigation. This written statement was identical to, and incorporated into, the Formal Complaint. This email is numbered UC00393, and is not included because of a protective order in that case.
  - d. On November 8, 2021, the OGEI investigator sent to the respondent additional evidence that the complainant had provided to the investigator. This email is numbered UC00400, and is not included because of a protective order in that case.
  - e. On November 18, 2021, the respondent was interviewed by the investigator.
  - f. On November 29, 2021, the respondent was provided with a copy of the preliminary investigative report.

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 7<sup>th</sup> day of March 2025.

/s/ Scott O'Reilly  
Scott O'Reilly